

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q101066

Yasuaki ITO, et al.

Appln. No.: 10/552,014

Group Art Unit: 1646

Confirmation No.: 1924

Examiner: Nirmal Singh BASI

Filed: October 12, 2005

For: NOVEL SCREENING METHOD

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction and Election of Species Requirement, dated January 8, 2008. In response to the Restriction Requirement, Applicants elect Group IX (claim 10) for examination. This election is made without traverse.

In addition, if any one of Groups IV to XLII is elected, the Examiner further requires that Applicants elect 1) one of the diseases recited in Groups IV to XLII, and 2) one G-protein coupled receptor (GPCR) protein as it relates to the disease elected in item (1) i.e., elect SEQ ID NO:1, 6, or 8. The Examiner states that this further restriction should not be construed as an election of species because Groups IV-XLII are drawn to evaluating or treating a plurality of diseases with different etiologies. The Examiner asserts that because no common structural or

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functional properties are shown to be shared by the diseases, each of the different diseases encompassed by the claims is an independent and distinct invention.

In response to the Examiner's further requirement, Applicants elect "overactive bladder-induced pollakiuria" for the disease, and "SEQ ID NO:1 (human derived GPR39)" for the G-protein coupled receptor protein, without traverse. Claims 1-4, 8-11, 17, 19, 21, 23, 25, 27, 31, 35, and 39 read thereon.

The Examiner believes there are no generic claims.

Applicants submit that if any of the generic claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

Applicants reserve the right to file a Divisional Application directed to non-elected subject matter and/or request rejoinder of non-elected claims.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: February 8, 2008